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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE CORMAC J. CARNEY, U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	<u>CERTIFIED TRANSCRIPT</u>
)	
vs.)	
)	Case No.
1) ROBERT PAUL RUNDO,)	2:18-cr-00759-CJC
2) ROBERT BOMAN,)	
4) AARON EASON,)	
)	
Defendants.)	
)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
MOTION HEARING
MONDAY, JUNE 3, 2019
2:05 P.M.
LOS ANGELES, CALIFORNIA

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1 **LOS ANGELES, CALIFORNIA; MONDAY, JUNE 3, 2019**

2 **2:05 P.M.**

3 - - -

4 THE COURTROOM DEPUTY: Calling Item No. 2,
02:05PM 5 CR 18-00759-CJC, *United States of America versus, No. 1, Robert*
6 *Paul Rundo; United States of America versus Robert Boman;*
7 *United States of America versus Aaron Eason.*

8 Counsel, please state your appearances.

9 MR. RYAN: Good afternoon, Your Honor. David Ryan,
02:05PM 10 George Pence for the United States.

11 THE COURT: Hello, Mr. Ryan.

12 Hello, Mr. Pence.

13 MS. DEIXLER: Good afternoon, Your Honor. Deputy
14 Federal Public Defender Julia Deixler on behalf of Paul Rundo,
02:05PM 15 who is in custody.

16 THE COURT: Hello, Ms. Deixler.

17 Hello, Mr. Rundo.

18 MR. SWARTH: Good afternoon, Your Honor. Peter
19 Swarth on behalf of Robert Boman. He's present in court in
02:05PM 20 custody.

21 THE COURT: Hello, Mr. Boman.

22 Hello, Mr. Swarth.

23 MR. McNICHOLAS: Good afternoon, Your Honor. John
24 McNicholas on behalf of Mr. Aaron Eason, who's present on bond.

02:05PM 25 THE COURT: Hello, Mr. Eason.

1 Hello, Mr. McNicholas.

2 Well, I issued the tentative order. As you can
3 gather, I focused on the *Brandenburg* issue and whether the Riot
4 Act was constitutional given that I believe it criminalizes
02:06PM 5 violent speech, even speech that's not imminent.

6 It was the defense motion. I don't know if there's
7 anything, Ms. Deixler, you'd like to add to this point.

8 MS. DEIXLER: At this time no, Your Honor. We'll
9 submit on the tentative and on our written papers. Thank you.

02:06PM 10 THE COURT: So then I guess I'll turn it over to
11 Mr. Ryan and Mr. Pence.

12 MR. RYAN: Thank you, Your Honor. You prefer us up
13 here?

14 THE COURT: Please.

02:06PM 15 MR. RYAN: Aimed to focus on the Court's tentative,
16 of course, I suppose I would focus on three points, Your Honor,
17 in response to reviewing the Court's tentative. The first is
18 there are allegations in the Complaint, both throughout the
19 Indictment, that focus on the defendant's preparation for and
02:07PM 20 personal commission of acts of violence. I recognize the
21 Court's point, that there are other overt acts in the
22 conspiracy count that are not themselves preparation for or
23 commission of acts of violence.

24 Those overt acts in the conspiracy count are not
02:07PM 25 overt acts that themselves establish the overt act element of

1 the Riot Act charged in Count Two. Rather, those overt acts in
2 the conspiracy count that are expressive evidence the
3 defendant's intent to prepare for and engage in acts of
4 violence.

02:07PM 5 Much like in a drug conspiracy count where the
6 government may allege a number of what would otherwise be
7 innocuous acts that are not themselves drug transactions but
8 that evidence the defendant's intent as part of the conspiracy
9 to engage in a drug transaction.

02:08PM 10 So it's not the government's position that those
11 expressive overt acts would, if not combined with other more
12 direct preparation for and commission of violence, constitute
13 the commission of this offense. And I believe I understand the
14 Court's tentative to be stating that even if all that was done
02:08PM 15 was the making of such statements, that would constitute
16 commission of the offense. And that's, I believe, No. 1, not
17 the government's position; No. 2, not required to address the
18 sufficiency of this Indictment because there are also other
19 overt acts that are -- that are direct preparation for and
02:08PM 20 commission of violence.

21 THE COURT: Well, maybe my analysis wasn't as clear
22 as it should have been. I was focusing on a facial challenge
23 to the Riot Act, not an as-applied. But in my discussion and
24 analysis of the facial challenge, I do refer to many of the
02:09PM 25 overt acts that are alleged in the Indictment. But the

1 bottom-line problem I'm having is that the Riot Act
2 criminalizes, I believe, all violent speech in connection with
3 the riot. And it doesn't have to be imminent. And I don't
4 think that satisfies *Brandenburg*. That's the problem I'm
02:09PM 5 having.

6 MR. RYAN: I'll respond directly to that point, if I
7 may, Your Honor.

8 So No. 1, as I believe Your Honor noted in the
9 tentative, *Dellinger* and all the -- *Shead* and the other cases
02:09PM 10 address that issue by construing the overt acts narrowly. I
11 believe Your Honor's tentative would simply reject those narrow
12 constructions and go the other way --

13 THE COURT: I think that's a fair -- I'm just trying
14 to be judicious in my language. I just don't understand their
02:10PM 15 analysis quite frankly. And I just think it's playing
16 syntactical and grammatical gymnastics with plain and clear
17 wording of the statute. I think that statute is very broad.

18 And a little bit of historical context is, I think,
19 important. That was enacted on a very turbulent time during
02:10PM 20 the Civil Rights Act in Vietnam era. And I think Congress were
21 just trying to put an end to the senseless violence that was in
22 destruction that was happening. Then *Brandenburg* came on
23 after, and I realize that the Seventh Circuit looked at the
24 constitutionality of the statute, but I'm not bound by that and
02:10PM 25 I just disagree with their analysis. I think the dissent got

1 it right.

2 MR. RYAN: I would, of course, point out that
3 *Dellinger* was, of course, after *Brandenburg* as well as the
4 other cases that agreed with *Dellinger*, where after *Brandenburg*
02:11PM 5 did expressively address *Brandenburg*. But I understand
6 Your Honor's point there.

7 I think the other point that I would make is, as I
8 understand it, the concern about overbreadth is primarily
9 focused on the acts prohibited by the statute that are
02:11PM 10 inciting, promoting, encouraging riots or acts of violence in
11 furtherance of riots, which would seem on their face to be
12 expressive or possibly expressive acts. There are other
13 provisions of the Anti-Riot Act that prescribe only overt acts
14 which are committed with the intent to directly engage in
02:11PM 15 violence, not express, advocate that others do so, but to do so
16 oneself.

17 And, of course, if the Court found the provisions
18 that deal with speech or expressive conduct to be overbroad, I
19 believe the remedy would be to strike those provisions and to
02:12PM 20 not strike the inoffensive provisions of the statute that focus
21 not on expression, but on taking actions to prepare for and
22 engage in violence oneself.

23 So, in other words, the Court could -- if the Court
24 were so inclined and felt it was necessary to strike numerous
02:12PM 25 provisions of the statute -- intent, incite, promote,

1 encourage -- those are categorically different verbs, and those
2 are -- that is a different analysis than the other prescribed
3 verbs or actions which are to prepare for -- or most
4 concretely, to carry out acts of violence in furtherance of.

02:12PM 5 So an overt act taken with the intent to carry out
6 violence is not an expression, let alone protected expression.
7 That's action. And a number of the allegations in this
8 Indictment made clear that that is what -- what is charged here
9 and what would be proven here.

02:13PM 10 THE COURT: Well, I'd like to hear Ms. Deixler's
11 point on that. But I still think you have a problem with the
12 way the statute is structured, even adopting your argument,
13 because the wording is that you travel interstate commerce or
14 you use a facility of interstate commerce with the intent, and
02:13PM 15 then it says "to incite a riot." So you use the interstate
16 facility with the mind, "Okay, I'm going to go to Berkeley and
17 pound on Antifa," all right? And -- but there's no imminent
18 violence there yet.

19 Now, the riot that you're intending to cause, that
02:13PM 20 has a clear and present danger of property damage or bodily
21 injury. I get that. But that violence isn't imminent yet.
22 And then you have to also have an overt act committed for the
23 purpose of that. And again, the overt act doesn't have to
24 create imminent violence the way the statute's written.

02:14PM 25 MR. RYAN: Again, to the extent I understand

1 Your Honor's reading of the statute that way, *Dellinger* and the
2 other cases address that problem by requiring the imminence
3 that the overt acts create the imminent risk. But I understand
4 Your Honor to be reading the statute to disagree with that
02:14PM 5 reading. But even if Your Honor reads it that way, that
6 analysis about whether the overt acts create an imminent risk
7 of violence, that's the *Brandenburg* test. And you're there
8 only if the conduct that's being prescribed is expressive in a
9 First Amendment analysis.

02:14PM 10 Under the provision that says we're not about
11 inciting, encouraging, promoting riot, it's overt acts taken to
12 prepare oneself for violence. Then we're not in First
13 Amendment analysis at all because it's not prescribing
14 expressive conduct let alone protective expressive conduct.

02:15PM 15 THE COURT: So you're basically saying, "Go ahead,
16 Judge, delete Paragraph 1, 'to incite a riot.' Delete
17 Paragraph 2, 'organize, promote, encourage, participate or
18 carry on a riot.' Keep 3, 'to commit any act of violence in
19 furtherance of a riot.' 4, 'to aid or abet any person in
02:15PM 20 inciting'" -- I assume you're going to get rid of that. So
21 you're asking me to delete three of the subparagraphs?

22 MR. RYAN: Well, of course, I would say I'm not
23 asking Your Honor to, but if Your Honor is inclined to have a
24 concern about the expressive -- or what Your Honor would be
02:15PM 25 concluding are expressive or protected conduct or speech that's

1 covered by the statute, yes. Although I would say that within
2 No. 2 in that list of verbs there, it includes not only
3 "promote," "encourage," "incite," but also "carry on a riot."
4 So that's -- that is a verb of action, commission of violence
02:16PM 5 oneself as opposed to expressing or advocating or inciting
6 others to do so.

7 But in short, Your Honor, yes, I think so. I think
8 that's what the Supreme Court asks -- or directs courts to do
9 is strike whenever at all possible the offending provisions of
02:16PM 10 the statute and not strike other provisions of the statute.
11 And I think there is a categorical difference here between some
12 provisions of the statute which are, as Your Honor said, set
13 forth in different paragraphs and so readily severable that
14 focus on expression and others -- or arguably focus on
02:16PM 15 expression and others that clearly do not.

16 THE COURT: I'm still even struggling if I do all
17 the dissection that you're asking me to do of the statute, it's
18 whoever travels in interstate commerce or uses any facility of
19 interstate commerce with the intent to carry on a riot is what
02:17PM 20 you're saying or commit any act of violence. It's still not
21 requiring any imminent violent act.

22 MR. RYAN: Of course. The crime is not completed
23 when you just travel or use the facility. It would be you have
24 Part A and then --

02:17PM 25 THE COURT: And then you have the overt act. But

1 that just says and you perform an overt act for any purpose
2 specified in carrying on a riot. And again, I don't see the
3 imminent violence with that.

02:17PM 4 MR. RYAN: I guess my point would be you don't need
5 the imminence there because you're not under *Brandenburg*.
6 You're not regulating protected speech at that point.
7 Preparing to engage in a riot, taking overt acts to do so is
8 not expressive conduct whatsoever let alone protected conduct.
9 So you're simply not regulating speech under the First
02:18PM 10 Amendment at that point, and so you don't have the analysis at
11 all. Because I would recognize that under Your Honor's
12 reading, if some of the verbs don't require the imminence, the
13 others don't require it either. I understand that to be
14 Your Honor's point.

02:18PM 15 So slicing -- or severing the provisions would not
16 solve that problem, but what it would do is remove the statute
17 from the problematic area of the First Amendment altogether,
18 which I understand to be what Your Honor's primary concern is,
19 is the statute should be, as I understand Your Honor's point,
02:18PM 20 more narrowly focused on preparing for violence, not speech.
21 And I think that can be done actually quite readily given the
22 way the statute is broken up into subparagraphs.

23 THE COURT: And try me again on how you can get
24 there. So let's just -- I know the defendants dispute these
02:19PM 25 characterization of the facts, but let's just assume, and you

1 can take -- let's take Mr. Eason. Mr. Eason travels interstate
2 commerce with the intent to commit a battery, assault, some
3 Antifa. That's his plan. He's been training in San Clemente
4 to do it. He's ready to go. All right. He travels up to
02:19PM 5 Berkeley. So this requirement of traveling in interstate
6 commerce or using interstate facilities to rent the van, that's
7 satisfied. Okay. But he hasn't committed a crime yet, just
8 thinking. You would agree?

9 MR. RYAN: I would not agree that all he has done is
02:19PM 10 thinking. But I would agree the crime is not completed yet.

11 THE COURT: But everything he's done can't be a
12 crime, because you got a problem with *Brandenburg*; right? So
13 then tell me what saves you in the statute.

14 MR. RYAN: Because then the allegation would be in
02:20PM 15 evidence -- you know, would be that -- then the defendant takes
16 an overt act for the purpose of carrying out a riot or for the
17 purpose of committing acts of violence in furtherance of a
18 riot, namely, the acts of violence in furtherance of the riot,
19 which is -- I know we're not focused on the Indictment, but
02:20PM 20 those allegations are included in the Indictment.

21 But that would be the final part of that sentence.
22 He then carries out acts of violence in furtherance of the
23 riot. That is the overt act. Even if it were construed that
24 narrowly or even if the allegations had to be stripped out to
02:20PM 25 just those, we do have that here. That's the Court's theory

1 over this case. But more broadly, nothing about that is
2 expressive let alone protected.

3 THE COURT: Well, I hear what you're saying, but
4 that's why I said I didn't focus on an implied challenge. Just
02:21PM 5 the fact that you can create a scenario where it would be
6 constitutional and not a First Amendment *Brandenburg* problem,
7 that doesn't save the statute.

8 MR. RYAN: I'm not sure that I would agree with
9 that, Your Honor. If you can sever the statute in a way that
02:21PM 10 creates -- that leaves a statute that doesn't have a
11 *Brandenburg* problem and that allows for prosecutions of the
12 remaining provisions that doesn't have a *Brandenburg* problem, I
13 think that is what the Court is called upon to do.

14 THE COURT: All right.

02:21PM 15 MR. RYAN: And we cited that case in our papers, the
16 *Ayotte*, A-y-o-t-t-e, Supreme Court case, where a statute can
17 reasonably be severed. That's what should be done rather than
18 having statute stricken as a whole. And our position would be
19 that that is what the Court at most should do here. And if the
02:22PM 20 Court did that here, what would follow is to deny the motion
21 because the allegations in the Complaint -- in the Indictment
22 would satisfy the remaining action focused -- violence-focused
23 provisions in the statute.

24 THE COURT: All right. Well, I appreciate your
02:22PM 25 argument. I'll give you the last word after I hear from the

1 defense.

2 MR. RYAN: Thank you, Your Honor.

3 MS. DEIXLER: Thank you, Your Honor. I will focus
4 on the last point made by the government there, which, I think,
02:22PM 5 is problematic for several reasons that the Court has alluded
6 to already. But first, I think the Court cannot simply take a
7 pen to the statute at the instruction of the government. The
8 narrowing construction, a court can only do so when it is clear
9 from the text of the statute as to how to delineate it. And I
02:22PM 10 don't think that slicing and dicing these terms which don't --
11 some of which do not have a clear meaning really falls so
12 neatly into the categories that the government suggests.

13 For example -- and I think there's two -- there's
14 two sort of fundamental issues with it. First, I don't believe
02:23PM 15 that these terms are necessarily relegated to expressive
16 conduct or protective conduct or not. There are plenty of ways
17 that I can think of that one could, quote/unquote, "act with
18 the intent to participate in a rally" as the government -- or
19 "in a riot" as the government is construing that statute that
02:23PM 20 involves their own self-expression about their plans, about
21 their ideology or that involves their ability to assemble with
22 others.

23 The conduct alleged in the Indictment itself
24 involves one person sending communications over a facility of
02:24PM 25 interstate commerce to meet up with someone which the

1 government has claimed is with the unlawful intent that falls
2 under the Riot Act. And that is what they believe to be a verb
3 that would be linked to action, but does not necessarily
4 exclude protected speech assembly and association that this
02:24PM 5 statute so clearly covers.

6 Even if it did, and even if we were able to somehow
7 limit these terms to say, okay, there's only -- you can only
8 outlaw use of interstate commerce or travel and then an overt
9 act with the intent to commit any act of violence in
02:24PM 10 furtherance of a riot, again, there is the attenuation problem
11 because the statute does not actually prohibit the acts in
12 furtherance of the violence.

13 The statute prohibits use of a communication with
14 that prohibited intent and then any overt act. It needn't be a
02:25PM 15 substantial step towards violence, it may not be related
16 violence. I agree with the Court's interpretation that the
17 gymnastics of the *Dellinger* court and the *In re Shead* court did
18 just are simply not supported by the statute, because there is
19 absolutely no requirement for a temporal connection that cannot
02:25PM 20 be read into the language as it exists now.

21 So I don't see any way for the Court to apply a
22 narrowing effect here. And even if there was one that we could
23 consider hypothetically, it would still cover a substantial
24 amount of protected activity.

02:25PM 25 THE COURT: All right. Any of the other defense

1 counsel want to be heard?

2 MR. McNICHOLAS: Your Honor, I just want to briefly
3 exemplify the point that the government wants to take the
4 alleged offense and put it out in that park in Berkeley rather
02:25PM 5 than where defense really is alleged to occur, which is at the
6 individual's computer, at the rental car counter, on the
7 highway. Because it's about communication. It's about travel.
8 That is the crime.

9 What happens later on in overt acts, going to the
02:26PM 10 coffee shop could be an overt act. Going to the store could be
11 an overt act. There is no need for a riot. There's -- a riot
12 is not even necessary for this offense. But it is about
13 communication. It is about expression. It is also about
14 assembly.

02:26PM 15 And we agree wholeheartedly with the issue of the
16 *Brandenburg* test is the law of the land. It absolutely applies
17 even with *Dellinger*. And *Dellinger* happened before *Claiborne*
18 was decided as well -- *Claiborne Hardware*. Because of those
19 individuals, they technically would have been in violation of
02:26PM 20 the Riot Act as well. But that was in 1982. And they weren't
21 charged with the Riot Act.

22 So those were the points that we wanted to make,
23 Your Honor. They did not address the hecklers. That was also
24 a strong part of our analysis.

02:27PM 25 THE COURT: All right.

1 MR. SWARTH: I have nothing to add.

2 THE COURT: Mr. Ryan, anything further to add, sir?

3 MR. RYAN: Very briefly, Your Honor. Can I have one
4 minute, Your Honor?

02:27PM 5 THE COURT: You may.

6 MR. RYAN: I hope this is not repetitive,
7 Your Honor, but counsel mentions the overt acts set forth in
8 the conspiracy count in the Indictment. And I do just want to
9 highlight for the Court's attention the fact that the overt
02:28PM 10 acts charged for the purpose of the conspiracy that evidence
11 the defendant's intent has no bearing on this analysis.
12 Because again, I think it's commonplace for the overt acts set
13 forth in the conspiracy count to include conduct that is not
14 itself criminal. Whether it's expressive, not expressive, it's
02:28PM 15 simply evidencing the defendant's intent.

16 So all the overt acts set forth that Your Honor
17 discusses at some length and that defense counsel points out, I
18 think that's not what the analysis is about because those
19 are -- it is not claimed in the Indictment that those are the
02:28PM 20 overt act described in the Anti-Riot Act. Those are overt acts
21 for purposes of the conspiracy.

22 So this court could -- I think that is an issue that
23 moves us off path because the theory of the -- the government's
24 theory under the statute is that the overt acts charged in the
02:29PM 25 Indictment most fundamentally and narrowly construed would be

1 the commission of the acts of violence. And one could strike
2 all the other overt acts out of the Indictment and be left with
3 the commission of the acts with preparation for acts of
4 violence and commission of acts of violence. The inclusion of
02:29PM 5 other overt acts doesn't, I think, undermine or suggest
6 anything otherwise. Those are overt acts in the conspiracy
7 count.

8 THE COURT: I think where we're butting heads,
9 Mr. Ryan, is I just don't think that is the correct
02:29PM 10 constitutional analysis of the statute. I am aware that just
11 because you can conceive of facts, even those that are alleged
12 where the statute would be constitutional, you have to look at
13 the statute as a whole and does it overcriminalize protected
14 speech. And that's what I'm having a big problem with. I
02:30PM 15 think the statute -- you can put whatever gloss you want on
16 it -- the statute was designed to go after violent speech. And
17 I just don't think that's constitutional.

18 MR. RYAN: So I would make two final points,
19 Your Honor. I think, No. 1, even if that's true, and I
02:30PM 20 recognize the point that facial overbreadth is what the Court
21 looks at as well as well as looking at the Indictment itself,
22 there is also that other canon of construction Supreme Court
23 law, quote:

24 "Generally speaking, when confronting a
02:30PM 25 constitutional flaw in a statute, we try to limit

1 the solution to the problem. We prefer to enjoin
2 only the unconstitutional applications of a statute
3 while leaving other applications in force or to
4 sever its problematic portions while leaving the
02:30PM 5 remainder intact."

6 I think the statute presents a way to do that that
7 gets us out of the First Amendment arena altogether. I think
8 that would resolve the Court's concern. And the Court could
9 construe the overt acts and apply them to the other
02:31PM 10 non-expressive let alone protected expression verbs set forth
11 in the statute and to go above and beyond that and strike the
12 entire statute when there is a way to save portions of the
13 statute and when saving those portions would, I believe, create
14 the result that Your Honor suggests would have been a proper
02:31PM 15 one in the first place, then that's the proper course that the
16 government would propose here.

17 And I don't believe it would be the Court adopting a
18 narrowing construction at government's instruction. It would
19 be the Court adopting a narrowing construction because that's
02:31PM 20 what the Supreme Court has directed courts do, not when it
21 is -- not only when doing so is obvious, but whenever possible,
22 when it's possible. When the Court can possibly find a way to
23 do it, that's what courts are to do. And we think that is more
24 than possible here. It's actually apparent on the face of the
02:32PM 25 statute how to do that to avoid all First Amendment problems.

1 No First Amendment balancing. No expressive conduct.

2 With that, Your Honor, one final point I would make. To
3 the extent the Court does go forward with its tentative to
4 grant the motion, the government would request a 14-day stay of
02:32PM 5 that decision to have time to consider and seek approval for an
6 appeal. Thank you, Your Honor.

7 THE COURT: And I appreciate your argument and your
8 request. I'll give the defense, I guess, an opportunity to
9 respond one more time and then, also, the request that I stay
02:32PM 10 my order for 14 days. It is your record.

11 MS. DEIXLER: Thank you, Your Honor.

12 And not to put too fine a point on the allegations
13 in this case, but the allegations in Count Two in the
14 Indictment. The Anti-Riot Act allegation here charged the
02:33PM 15 defendants with using a facility of interstate commerce
16 including but not limited to the Internet and telephone and
17 committing one overt act thereafter, which is traveling
18 together to Berkeley, California, to engage in a riot. So I
19 think even in the government's example of how this can be
02:33PM 20 directed towards only violent action, I think it falls short
21 because we can imagine ways in which all of these verbs in the
22 subsections here cover lawful assembly, association, and
23 speech.

24 With respect to the request for a stay, Your Honor,
02:33PM 25 I understand that the U.S. Attorney's Office has an internal

1 process to evaluate whether or not to appeal. I would ask in
2 the interim that my client, Mr. Rundo, be released on his own
3 recognizance especially given the Court's ruling today.

4 THE COURT: Okay.

02:33PM 5 MR. SWARTH: Your Honor, if I may, I would make the
6 same request on behalf of Robert Boman.

7 THE COURT: Very well.

8 Mr. McNicholas?

9 MR. McNICHOLAS: Your Honor, Mr. Eason is not
02:34PM 10 prejudiced like the other two defendants are. So we wouldn't
11 have the same objection.

12 THE COURT: All right. Well, I am going to make my
13 tentative order the final order of the Court. And I'm not
14 going to stay my order because I feel confident in my analysis.
02:34PM 15 I take no offense that the government wants to immediately
16 appeal me, and best of luck to them. But once I reach the
17 conclusion I did, I just don't feel comfortable having the
18 charges pending anymore. So the charges are dismissed.

19 Mr. Rundo and Mr. Boman, you're going to be released
02:34PM 20 forthwith. I just ask -- and it's a request -- renounce and
21 put aside violence and hate. That's the best thing for you,
22 your family and, candidly, your community. This is not -- I
23 don't care what idiots Antifa are being. I've seen the videos.
24 They're out of control. They're idiots. But violence on
02:35PM 25 violence doesn't achieve anything.

1 You're both young men. You got a lot to live for.
2 You don't want to be in custody for years. So you'll both be
3 released forthwith.

4 Mr. Eason, you're already out of custody, so your
02:35PM 5 bond is exonerated.

6 And my same comments to Mr. Rundo and Boman apply to
7 you, sir.

8 THE DEFENDANT: Thank you, Your Honor.

9 THE COURT: Mr. Laube, I don't think, is here, but I
02:36PM 10 assume there will be further legal proceedings in his case in
11 light of my ruling.

12 Is there anything further we need to discuss?

13 MR. RYAN: Not from the government, Your Honor.

14 MR. McNICHOLAS: No, Your Honor.

02:36PM 15 MS. DEIXLER: No, Your Honor.

16 MR. SWARTH: No.

17 THE COURT: Thank you.

18 THE COURTROOM DEPUTY: All rise.

19 **(Proceedings concluded at 2:36 p.m.)**

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CERTIFICATE OF OFFICIAL REPORTER

[illegible]

I, DEBBIE HINO-SPAAN, FEDERAL OFFICIAL REALTIME COURT REPORTER, in and for the United States District Court for the Central District of California, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Date: June 12, 2019

/S/ *DEBBIE HINO-SPAAN*

Debbie Hino-Spaan, CSR No. 7953
Federal Official Court Reporter